

**Before the
FEDERAL COMMUNICATIONS COMMISSION**
Washington, D.C. 20554

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In the Matter of)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

CC Docket No.. 94 - 102

Revision of the Commission's rules
to ensure compatibility with)

RM - 8143

enhanced 911 emergency calling systems)

DOCKET FILE COPY ORIGINAL

REPLY COMMENTS OF THE SECRETARY OF DEFENSE

The Secretary of Defense hereby files these Reply Comments, having filed Comments herein on January 9, 1995 on behalf of the Department of Defense and as Executive Agent of the National Communications System (NCS).

In the initial comments, the Secretary urged the Commission not to act to assign mobile calls to E911 the highest priority for completion, pointing out that there were other types of National Security and Emergency Preparedness (NS/EP) calls that could be deserving of that status. Immediate assignment of the highest access priority to mobile calls to E911 would result in immediate network congestion as many callers attempted to report the same incident. Other NS/EP calls could not receive access under such circumstances. The necessity for a nationwide, uniform methodology of providing priority access for NS/EP calls required that the Commission preempt the issue to avoid conflicting state and local schemes. Finally, it was stated that mandatory connection to a Public Service Access Point (PSAP) and provision of all possible E911 data by DoD installations that do connect to a PSAP would not always be appropriate. Military installation commanders are in the best position to decide, and

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should be permitted the discretion to decide, how emergency services are delivered to installation personnel.

ISSUES MUST BE RESOLVED BEFORE PRIORITY ASSIGNMENTS MAY BE GIVEN TO MOBILE CALLS

In initial comments, DoD noted that there were many unanswered questions regarding priority assignments for mobile calls. How many levels of priority? For whom? Where? When? Who administers the system? Does the qualified priority user lose his/her place in a queue if he/she changes cells? Technical and administrative issues abound. The comments informed the Commission of the efforts of the National Security Telecommunications Advisory Committee (NSTAC). The NSTAC, through its Cellular Priority Access Subgroup (CPAS), along with the NCS, is addressing those issues. The President has directed such efforts.¹ The answers are not yet available.

The issue is an important one. The Cellular Telecommunications Industry Association and the United States Cellular Corporation recommended the formation of an advisory committee to address E911 issues. (CTIA Comments, page 17, USCC Comments, page 10.) ALLTEL suggested an industry advisory board. (Comments, page 1.) AT&T went so far as to say that any Commission rules should be consistent with NCS recommendations. (Comments, footnote 37, page 26.) It is clear there is a lot of work to be done, and the NCS

¹See, letter dated January 11, 1995 from President Clinton to Norman Augustine, current Chairman of the NSTAC and letter dated January 11, 1995 from Anthony Lake, Assistant to the President for National Security Affairs to William J. Perry, Secretary of Defense, both attached hereto.

is doing it. BellSouth states (Comments, page 19.) "Thus, before mandating 911 call priorities, via queuing or any other means, the Commission should allow representatives of all affected groups to study the issue to determine the best method of achieving call priority and what other call priorities must be considered, such as emergency preparedness and national security plans. Mandatory call priority at a date certain, before affected groups can determine the best method, would be unwise and would not effectively accomplish the Commission's objective." The NCS agrees.

The NCS believes the issue is important enough that it be given specific attention. If the Commission does establish a forum to resolve the mobile call priority issues, the NCS will cooperate fully. Meanwhile, it will continue its efforts and will inform the Commission (and the other parties) at the earliest possible time of the result of those efforts. All affected parties are invited to participate.

PREEMPTION IS ESSENTIAL

Others recognized the importance of Commission preemption. Among them were BellSouth (Comments, page 20.), At&T (Comments, page 41.), NEXTEL (Comments, page 8.), TRACER (Comments, page 15.), and the Personal Communications Industry Association. (Comments, page 27.) Inconsistent rules would not permit a uniform, nationwide priority access scheme for cellular and other classes of wireless services. It is again urged that the Commission affirmatively preempt any efforts to impose time limits and technical or administrative requirements before the Commission has had time to consider the issue thoroughly.

DoD PBXS SHOULD NOT BE REQUIRED TO CONNECT TO A PSAP

In the initial comments DoD pointed out that there were several reasons why PBXs on military installations should not be required to connect to a PSAP. In some instances there may be no PSAP with which to connect. In others, the military installation provides its own emergency services and there is no necessity to rely on locally provided services. In still other cases, security cautions may preclude the provision of the information that could be transmitted to a PSAP. As a further consideration, access to the installation may be a concern.

Others are similarly situated. DoD notes that the California Department of Corrections has many of the same security and access concerns as DoD. (Comments, page 2.) The Maryland Emergency Number Systems Board notes that it has permitted a large university with an emergency response capability to use that capability rather than connect to a PSAP. (Comments, at item 21.) The International Communications Association (Comments, page 4.) points out that there may be security concerns that lead to limited access and that many users maintain their own emergency response personnel.

DoD again asserts that it should not be required to connect its PBXs to a PSAP. Even if the connection is voluntarily made, DoD should not be required for security reasons to furnish all information to the PSAP that could conceivably be provided. Each installation commander should have the flexibility to make the decisions required to ensure the best possible emergency services are provided to installation personnel. In instances where connection to a PSAP is the favored method, the installation commander and the local PSAP administrator should be permitted to reach agreement on what information will be provided.

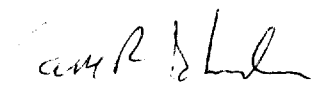
CONCLUSION

Initial comments herein have pointed out that there are many issues to be resolved before the Commission should assign cellular (or wireless) priority access to anyone or any class of users. The Commission could assign the issues to a specific forum for resolution, or await the results of the ongoing NSTAC/NCS efforts. Those results would be presented in this docket, served on all parties.

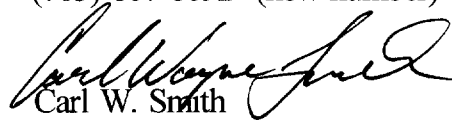
Preemption remains an essential element of any plan to obtain nationwide uniformity.

The unique situations of many military installations requires flexibility, not rigidity, in rules pertaining to DoD interconnection to a PSAP.

Respectfully submitted



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THE WHITE HOUSE

WASHINGTON

January 11, 1995

Dear Norm:

Your report on the 16th session of the National Security Telecommunications Advisory Committee (NSTAC XVI) provided invaluable advice on our Nation's national security and emergency preparedness telecommunications issues. Vice President Gore's participation at last year's meeting underscores the Administration's interest in the Committee's work as a key element of our Nation's evolving technology and information infrastructure.

As our dependence on telecommunications and information systems increases, our disaster response capabilities reflect those dependencies as well, especially with the significant growth in the use of wireless communications systems. Your insight into the need to develop a capability to provide national security and emergency preparedness (NS/EP) users with priority access into wireless communications systems is greatly appreciated. I have asked the National Communications System (NCS) to continue its efforts on your recommendation. I have also asked the Department of Commerce's Information Infrastructure Task Force to include this recommendation in their deliberations and National Information Infrastructure requirements development.

Recent natural disasters have demonstrated the increasing dependency of Federal, state and local NS/EP officials on wireless services, especially when primary systems are damaged or congested. As a result of your recommendations regarding the process for planning for these contingencies, I have asked the NCS and the Federal Emergency Management Agency (FEMA) to

include the expertise of the telecommunications industry in the planning process and updates of the Federal Response Plan and to take advantage of more effective use of wireless technologies and services in disaster responses.

Please extend my appreciation to all the Committee members for their valuable contributions. Your advice and leadership weighs heavily in our decisions regarding national telecommunications and technology issues as industry and Government together step into the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Clinton", with a long horizontal flourish extending to the right.

Mr. Norman R. Augustine
Chairman and Chief Executive Officer
Martin Marietta Corporation
6801 Rockledge Drive
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THE WHITE HOUSE

WASHINGTON

January 11, 1995

MEMORANDUM FOR THE HONORABLE WILLIAM J. PERRY
The Secretary of Defense
Executive Agent, National Communications System

SUBJECT: Recommendations from the 16th Meeting of the
President's National Security Telecommunications
Advisory Committee

The President has reviewed the executive report and recommendations of the 16th meeting of the President's National Security Telecommunications Advisory Committee (NSTAC) and your comments on that report. The following recommendations were provided to the President regarding issues requiring potential action by the Office of the Manager, NCS (OMNCS):

"The Government should:

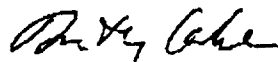
- Continue to pursue implementation of a single nationwide wireless priority access capability for national security and emergency preparedness (NS/EP) users that is:
 - Transparent to the NS/EP user for public switched network (PSN) access
 - Interoperable across service boundaries
 - Composed of multiple levels of priority, consistent with Telecommunications Service Priority (TSP) categories and criteria
 - Developed using the NSTAC industry-Government collaborative process
- Expand the Federal Response Plan (FRP) Emergency Support Function (ESF) #2 (Communications) planning process to:
 - Include advice from representatives of the U.S. telecommunications industry
 - Encompass an "all hazards" approach making more effective use of wireless technologies and services
 - Periodically update ESF #2"

Based on the NSTAC XVI Executive Report, the above recommendations, and your comments on those recommendations, the following guidance is provided:

a. The President wants to significantly enhance the Nation's disaster response capabilities by minimizing the obstacles to effective command and control that are caused by damaged or overly congested telecommunications systems. Consequently, the National Communications System (NCS) should continue its efforts to implement a single nationwide wireless priority access capability for NS/EP users. As recommended, this capability should be transparent and interoperable, capable of multiple levels of priority, and developed using the joint industry-Government planning process. The President also agrees that this recommendation should be included as part of the NS/EP requirements for the Nation's evolving National Information Infrastructure; therefore, the Government's Information Infrastructure Task Force (IITF) will be asked to include this recommendation in their deliberations and National Information Infrastructure requirements development.

b. The President is pleased to know that the OMNCS and the Federal Emergency Management Agency (FEMA) have already begun coordinating mutually supportive efforts in the Federal Response Plan (FRP) Emergency Support Function (ESF) #2 (Communications) planning process. Advice from representatives of the U.S. telecommunications industry (such as the President's NSTAC) during the FRP planning process will help facilitate the planning process as well. Specific plans for the effective use of wireless technologies and services should be included in the FRP, easing the dependence upon more vulnerable communications assets. This, plus periodic updates of ESF #2, will help provide federal, state, and local disaster response and recovery teams with more effective command and control during congested multi-agency operations. It is appropriate that the OMNCS take the lead, in close coordination with FEMA, in implementing these NSTAC recommendations.

The President and Vice President will continue to rely on the leadership, teamwork, and expertise of the President's NSTAC and the OMNCS with regard to issues that affect our Nation's national security and emergency preparedness telecommunications.



Anthony Lake
Assistant to the President
for National Security Affairs

CERTIFICATE OF SERVICE

I, Ann O'Keefe, hereby certify that a copy of the foregoing "Reply Comments of the Secretary of Defense" were mailed this 17th day of March, 1995, first class, postage prepaid, to the following:

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